

Official

60,426-206
2000P078431/S01**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Banas
Serial No.: 09/772,274
Filed: 01/29/01
Group Art Unit: 2632
Examiner: Nguyen, P.
Title: METHOD TO ALERT A DROWSY DRIVER

REQUEST FOR RECONSIDERATION

Box AF
Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:

This paper is responsive to the Office Action mailed on October 16, 2001. Claims 15-18 have been allowed and claims 19-24 stand rejected under §103(a).

Applicant asks for reconsideration of the rejection. The Examiner rejected claims 19-21 as being obvious over Kawakami in view of Turner. Kawakami discloses an apparatus and method for improving driver awareness by providing a warning when a decrease in awareness is detected. In Turner, an interior air temperature sensor 30, an infrared sensor 32, and an outside air temperature sensor 34 control the climate in a passenger compartment of a vehicle. In Turner, the climate control is partially based on the outside air temperature, an external conditions. There is no mention of driver drowsiness in Turner, nor could any benefit be seen for the Kawakami reference. There would be no benefit to increasing driver awareness as disclosed in Kawakami by adjusting the temperature in the passenger compartment in response to an external conditions such as the outside air temperature. The rejection is improper, and Applicant respectfully requests that it be withdrawn.

Claims 22-24 have been rejected under §103(a) as being obvious over Kawakami in view of Brownlee. Brownlee discloses an oxygen supply system which monitors oxygen content and pumps oxygen into a passenger compartment 12 when oxygen levels fall below a predetermined

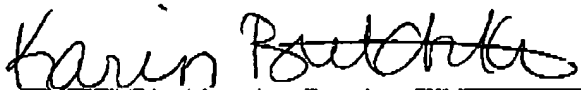
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valve. There is no benefit of combining the oxygen supply system of Brownlee with the apparatus of Kawakami. Kawakami provides a warning to the driver when awareness is low, and the driver then responds by terminating the warning. Kawakami does not awaken the driver by altering a condition in the vehicle passenger compartment, but rather only produces a warning. Pumping oxygen into a vehicle employing the apparatus of Kawakami would not provide a terminable signal to the driver which requires a response as required by Kawakami, but would rather alter the conditions of the passenger compartment to awaken the driver. The rejection is improper, and Applicant respectfully requests that it be withdrawn.

Thus, claims 15-24 are in condition for allowance. No additional fees are seen to be required. If any additional fees are due, however, the Commissioner is authorized to charge Deposit Account No. 50-1482, in the name of Carlson, Gaskey & Olds, P.C., for any additional fees or credit the account for any overpayment. Therefore, favorable reconsideration and allowance of this application is respectfully requested.

Respectfully Submitted,

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Dated: December 3, 2001

CERTIFICATE OF FACSIMILIE

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, TC 2600, After Final, 703-872-9315 on December 3, 2001.


Raimi Blackerby

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